

next Sessions of Peace, where he is or hath been Justice, that the Party so bound may be called; (27) and if the Party make Default, the same Default then there to be recorded, and the same Recognisance, with the Record of the Default, be sent and certified into the Chancery, or afore the King in his Bench, or into the King's Exchequer.

See 4 Black. Comm. 251 *et seq.* The authority of Justices to take security for the peace appears to have had its origin from Stat. 1 E. 3, Stat. 2, c. 16, and it is more fully set forth in 34 E. 3, c. 1, *Willis v. Bridger*, 2 B. & A. 278. It is laid down that in all cases where a justice of the peace is empowered to bind a person or make him give security, he may do so by recognizance, 2 Archb. Just. 350.¹ This recognizance is usually taken for the appearance of the party in Court, in which case under this statute it ought to be certified to the next session of the Court;² and as to Baltimore City, see Code, Art. 29, sec. 62,³ when new articles may be exhibited or an indictment preferred. But the recognizance may be on condition to keep the peace for a limited period, as two years, according to the justice's discretion (which of course means a legal and sound discretion), and not dependent on any appearance in Court, *Willis v. Bridger supra*.⁴

¹ "If complaint be made of apprehended injury or breach of the peace, he can require sureties to be given by the party proceeded against, and, in default of sufficient sureties, commit him to prison." *State v. Glenn*, 54 Md. 602.

In obtaining a peace warrant the forms found in Latrobe's Justices' Practice, ch. 16, must be followed in every substantial particular. Any material omission, or substantial departure therefrom, especially in regard to the oath and warrant, will vitiate the whole proceeding. *Hyde v. Greuch*, 62 Md. 577. See this case for a full discussion of the subject.

² *Hyde v. Greuch*, 62 Md. 577.

³ Balto. City Code, sec. 332.

⁴ But *quare*? *Hyde v. Greuch*, 62 Md. 577. See *Thomas's Procedure in Justice Cases*, sec. 451.

CAP. III.

Justices of Peace may let Prisoners to Bail. The Sheriff shall certify the Names of all his Prisoners at the Gaol-delivery.

Item, Where in the Parliament late holden at *Westminster*, the first Year of *Richard*, late in deed, and not of right, King *of *England* the Third; it was ordained and enacted among 254 other divers Acts, That every Justice of the Peace, in every Shire, City, or Town, should have Authority and Power, by his